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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 LENIER AYERS,

9 Plaintiff,

10 v.

11 DENNIS DOREN,

12 Defendant.

Case No. C08-5471BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION AND
DENYING PLAINTIFF'S
MOTION FOR DECLARATORY
JUDGMENT AND INJUNCTIVE
RELIEF

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15 This matter comes before the Court on the Report and Recommendation of the
16 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 15), and Plaintiff's
17 Motion for Declaratory and Injunctive Relief (Dkt. 16). The Court has considered the Report
18 and Recommendation, Plaintiff's failure to file objections, Plaintiff's pleading in support of
19 his motion, and the remaining record.


20 On July 14, 2008, Plaintiff filed an application to proceed in forma pauperis and
21 submitted a proposed complaint. Dkt. 1. On September 19, 2008 and September 30, 2008,
22 Plaintiff filed motions to withdraw this action. Dkts. 13 and 14. On October 17, 2008,
23 Judge Strombom issued a Report and Recommendation concluding that the "Court should
24 dismiss this action as Plaintiff has voluntarily requested dismissal." Dkt. 15. Plaintiff did
25 not file an objection to that Report and Recommendation. On October 29, 2008, Plaintiff
26 filed a Motion for Declaratory and Injunctive Relief. Dkt. 16.

1 A Plaintiff may voluntarily dismiss an action without a court order by filing a notice
2 of dismissal. Fed. R. Civ P. 41(a)(1). Plaintiff filed two notices of dismissal and, therefore,
3 this action shall be dismissed. Plaintiff's motion is denied as moot.

4 Therefore, it is **ORDERED** that:

- 5 (1) The Court adopts the Report and Recommendation;
6 (2) This action is **DISMISSED** because Plaintiff voluntarily dismissed this action;
7 and
8 (3) Plaintiff's Motion for Declaratory and Injunctive Relief (Dkt. 16) is
9 **DENIED.**

10 DATED this 21st day of November, 2008.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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